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PATENT

Attorney Docket No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VOLKER SCHMIDT

Application No.: 08/836,369

Filed: October 20, 1997

For: TEMPERATURE-MEASUREMENT
INSTRUMENT WITH DIFFRACTIVE OPTICS

Examiner: A. Hirshfeld

Art Unit: 2859

DECLARATION OF VOLKER SCHMIDT

RECEIVED

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Assistant Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER 2800

DECLARATION OF VOLKER SCHMIDT

1. I, Volker Schmidt, am a citizen and resident of Germany. I was an employee of Sensytek GmbH, now known as Raytek GmbH, a subsidiary of Raytek Corporation. Among my responsibilities is the development of new products. My business address and telephone number are Raytek GmbH, Blankenburger Str. 135, D-13127, Berlin, Germany, 49-30/478008-38.

2. When Sensytek joined Raytek, Raytek was beginning to work on a new, high end infrared thermometer product, code named Project Shark. Project Shark was to be the responsibility of my engineering group in Berlin. As a result of this responsibility, I was involved in numerous discussions regarding the possible specifications and features of this new

product, including in particular, the sighting system that we would develop. By 1992, however, responsibility for the project was transferred to Raytek Santa Cruz. Although I continued to be informed regarding developments on this project, my group turned to different projects.

3. Among the sighting systems discussed in connection with Project Shark was a laser light system that would identify to the operator the actual perimeter of the energy zone of the radiometer on the surface target. By September, 1992, Raytek had actually incorporated into the marketing requirements document for this project a requirement for a laser light sighting system the projected either a ring of laser light or at least multiple dots of laser light to show the energy zone on the target. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of that marketing requirement document that I have maintained in my files in Berlin since receiving it in about September, 1992.

4. During my work on Project Shark, I communicated about laser sighting systems with a variety of people in Raytek Santa Cruz engineering, including Will Menchine. I have reviewed the records of a prototype of a laser sighting system Mr. Menchine developed in 1992, using a diffraction grating to create either a ring of laser light or a pattern of dots of laser light to identify the energy zone. I believe that I discussed it with either Mr. Menchine or someone familiar with his work in approximately 1993.

5. In 1995, while attending a trade show in Munich, Germany, I learned of types of diffraction gratings that produced patterns of diffracted laser light dots. I realized that these diffraction gratings would be extremely effective in laser sighting systems to identify the energy zone.

6. By June of 1995, I had begun to develop drawings of a laser sighting device using the new diffraction gratings. At the same time, Raytek GmbH was in discussions with the Berlin